



## EMERGENCY TELEPHONE SERVICE COMMITTEE MEETING

Held at Amway Grand Plaza Hotel  
Grand Rapids, Michigan

May 20, 2002

10:15 a.m.

### MINUTES

MEMBERS PRESENT	REPRESENTING
Mr. Paul Rogers, Chair	National Emergency Number Association
Mr. Steve Berenbaum, representing Kelly Fennell	Telecommunications Association of Michigan
Ms. Elizabeth Brown, representing Robert Struck	UP Emergency Medical Services Corp.
Mr. John Buczek	Fraternal Order of Police
Ms. Suzan Hensel	Assn. of Public Safety Communications Officials
Lt. Jim Hull	Deputy Sheriffs' Association
Capt. Tom Miller	Department of State Police
Ms. Marilyn Moore	Michigan Public Service Commission
Mr. Monty Nye, representing Paul Hufnagel	Michigan Professional Firefighters Union
Mr. Charles Nystrom	Public Member, House Appointed
Mr. John Patrick	Department of Consumer and Industry Services
Ms. Christina Russell	Michigan Communication Directors Association
Mr. Scott Temple	Commercial Mobile Radio Service
Sgt. Mark Thompson	Michigan State Police Troopers Association
Chief Paul Trink	Michigan Association of Fire Chiefs

MEMBERS ABSENT	REPRESENTING
Chief James Bartholomew	Michigan Association of Chiefs of Police
Mr. Dale Berry	Michigan Association of Ambulance Services
Mr. Hugh Crawford	Michigan Association of Counties
Sheriff Dale Gribler	Michigan Sheriffs' Association
Mr. John Hunt	Public Member, Governor Appointed
Vacant	Public Member, Senate Appointed

This meeting of the Emergency Telephone Service Committee (ETSC) was convened by Mr. Paul Rogers at 10:15 a.m.

### NEW MEMBERS

I. Capt. Tom Miller, Department of State Police representative to the committee, was introduced. Captain Miller will chair the Legislative Action and Commercial Mobile Radio Supplier (CMRS) subcommittees.

### APPROVAL OF MINUTES

II. MOTION to approve the minutes of the March 13, 2002, ETSC meeting. A vote was taken and the MOTION CARRIED unanimously.

## REPORTS

### III. CMRS Subcommittee Report

The CMRS Subcommittee reviewed a total of eight invoices. Two of the invoices were received from a third party vendor. The subcommittee determined these would not be eligible for reimbursement and a letter was mailed informing the vendor of that decision.

MOTION to approve the payment of Invoice #02-0001 in the amount of \$22,406.36. A vote was taken and the MOTION CARRIED unanimously.

MOTION to approve the payment of Invoice #02-0002 in the amount of \$353,042.39. A vote was taken and the MOTION CARRIED unanimously.

MOTION to approve the payment of Invoice #02-0003 in the amount of \$45,669.48. A vote was taken and the MOTION CARRIED unanimously.

MOTION to approve the payment of Invoice #02-0006 in the amount of \$66,715.19. A vote was taken and the MOTION CARRIED unanimously.

MOTION to approve the payment of Invoice #02-0007 in the amount of \$17,434.57. A vote was taken and the MOTION CARRIED unanimously.

MOTION to approve the payment of Invoice #02-0008 in the amount of \$13,617.00. A vote was taken and the MOTION CARRIED unanimously.

### IV. Dispatcher Training Subcommittee Report

The Dispatcher Training Subcommittee introduced a new ETSC-510 form for documentation of in-service training expenditures. The form package includes an example page, a reporting page, a continuation page, and complete instructions.

These forms are to be retained at each primary PSAP location for use during audits of dispatcher training fund expenditures. It was noted it would be in the best interest of PSAPs to use and document the oldest funds received first, due to expenditure period deadlines.

MOTION to approve the distribution of the ETSC-510 form package. A vote was taken and the MOTION CARRIED unanimously.

### V. Wireless Funding Certification

Subsequent to the March ETSC meeting, it was learned that Alpena County would not meet the March 31, 2002, deadline for third-year funding compliance, as the county clerk missed the five-day window to send certified mail to all affected jurisdictions. Alpena County later corrected the error and rescheduled their public hearing for April 26, 2002. Mr. Rogers polled ETSC members to determine if there was support to schedule a special meeting to reconsider the action taken by the committee at the March 13 meeting. There was not sufficient support to schedule a meeting, and neither Monroe nor Alpena County were certified as eligible to receive third-year wireless funding.

On May 14, Mr. Paul Rogers, Col. Stephen Madden, Lt. Col. Tadarial Sturdivant, Capt. Tom Miller, and Ms. Marilyn Moore met with representatives from Attorney General's Office and the Department of Treasury to review the process followed by the ETSC in this matter.

The ETSC is not required by law to provide notification to counties regarding compliance requirements and is not responsible for monitoring progress of any county to come into

compliance with public acts. Counties have the opportunity to become eligible for funding if they comply with the requirements of the Act, but eligibility is not an entitlement. Refusal to certify a county as eligible is not a fine. Because wireless funds are not entitlements but are available to counties that meet the requirements of the Act, counties are not entitled to due process.

Other counties certified as eligible to receive wireless funds may have cause for legal action if ineligible counties are given funding.

Certification requirements to date have been as follows:

**First Year** – Counties were required to provide a copy of their final 9-1-1 plan to the ETSC. Gogebic County was not certified for the first year as it did not have a final 9-1-1 plan in place.

**Second Year** – Counties were required to provide the ETSC with documentation that a tentative 9-1-1 plan, whether new, amended, or revised, had been approved by the county's board of commissioners. The tentative 9-1-1 plan or final 9-1-1 plan had to incorporate a reference to FCC Docket 94-102 (the wireless emergency service order).

Counties were also required to make a written request for Phase 1 wireless 9-1-1 to the service providers, and have a primary PSAP capable of receiving and utilizing the requested data elements within the required six-month implementation time frame.

All 83 counties were determined to be eligible for second-year certification.

**Third Year** – Counties were required to provide the ETSC with documentation of a final 9-1-1 plan, approved by the county's board of commissioners. This applied only to those counties that did not yet have a final amended plan in place at the time of second-year certification. The final 9-1-1 plan must incorporate a reference to FCC Docket 94-102 (the wireless emergency service order).

Each county was required to submit reporting documentation of expenditures, accounting, and usage of cellular funds received, as required by the Public Act.

The original deadline for providing the ETSC with verification that the requirements had been met was November 30, 2001. The deadline was later extended to March 5, 2002. At the March 2002 ETSC meeting, the committee voted to certify as eligible all counties that were in compliance by March 31, 2002.

**Alpena County**

Mr. Jim Peltier, Alpena County Central Dispatch, stated Alpena County would not attempt to appeal to the ETSC if there is no provision in P.A. 32 for such an appeal. He stated the loss of the funds would make their budget very tight as their county commissioners had already appropriated their budget in anticipation of receiving this money.

**Monroe County**

Mr. Ron Berns, Monroe County Central Dispatch, stated that his dispatch center will have to budget its expenditures very carefully over the coming year to absorb this loss of revenue. The center's budget has already been reduced by the amount of wireless funds that had been anticipated for the coming year.

**Recommendation of the Chair:**

Mr. Rogers recommended that the ETSC not hear an appeal from either county based on the following rationale:

- There is no right to an appeal.
- Granting an appeal would reverse a proper decision of the ETSC (March 2002 meeting).
- Granting an appeal could open the door to other appeals (dispatcher training fund distribution).
- Granting an appeal could open the door for other counties to pursue legal action.

No motion was made to hear an appeal and no action was taken.

## **REPORT OF THE CHAIR**

**A. PSAP Tariff**

SBC Ameritech has approached the Michigan Public Service Commission to discuss a proposed tariff as a cost recovery mechanism for routing wireless calls from the selective router to the PSAP. If approved, PSAPs would be billed a specified amount for each wireless 9-1-1 call it receives. This has the potential of being extremely costly for PSAPs.

Ms. Marilyn Moore explained that tariffs are normally issued as "file and use." In this instance, due to the potential ramifications, there will likely be a hearing or public comment period before the Michigan Public Service Commission renders a decision. The ETSC Legislative Action Subcommittee will be asked to look for possible solutions to this matter.

**B. Legislative Concerns**

A meeting of the Legislative Action Subcommittee will be scheduled in the near future. In addition to the wireless tariff issue, the subcommittee will be asked to review possible legislative amendments to address the following matters: PBX and similar systems that have no location technology; concerns surrounding prepaid wireless phones; whether ETSC should have rule making authority; wireline systems (like Centrex) that don't currently pay wireline 9-1-1 charges; and possible registration requirement for new wireless carriers in Michigan.

Individuals having other 9-1-1 related legislative issues they would like reviewed should put their ideas in writing and submit them to Linda Cwiek at the Michigan State Police.

**C. Policy Subcommittee Chair**

Mr. John Hunt submitted his resignation as chair of the Policy Subcommittee effective immediately. Mr. Rogers asked anyone interested in serving in this position to contact him by e-mail.

**D. New Wireless Carrier 9-1-1 Implementation**

A cellular provider asked if it is eligible to seek reimbursement from the CMRS fund prior to paying into the fund. CMRS suppliers are not eligible for reimbursement until they begin paying into the fund.

**E. Allowable 9-1-1 Expenditures**

The Wireless Implementation Subcommittee and the Policy Subcommittee were asked to reevaluate the current list of allowable/disallowable wireless 9-1-1 surcharge expenditures list to possibly expand and clarify it, and to discuss the possibility of putting together a similar list for wireline expenditures. Examples of recent questions include whether purchase of an incident command trailer is an allowable expense and whether lunch can be purchased for the county 9-1-1 Board.

**F. Senate Representative**

It was suggested that a list of people interested in serving as the Senate representative be submitted to the Senate in an effort to assist in the selection process for this position.

**PUBLIC COMMENT**

Mr. Ralph Gould, Grand Rapids Police Department, asked the ETSC to consider developing an appeal process for CMRS funding decisions in order to serve the needs of PSAPs in Michigan, particularly those in counties with more than one PSAP and those in sparsely populated counties. In counties with multiple PSAPs where large portions of the Michigan population and voters reside, the government body that receives the CMRS funding documents may not be the same government body that is funding much of the expense of operating the PSAPs that handle wireless telephone 9-1-1 calls. Sparsely populated counties have very limited staff resources to process CMRS documents and may require additional assistance. *(Added to minutes at the request of Mr. Gould and as approved by the ETSC at its August 19, 2002, meeting.)*

**NEXT MEETING**

Efforts will be made to schedule an ETSC meeting during the month of August.

The meeting adjourned at 11:20 a.m.

Approved:



Paul Rogers, Chair  
Emergency Telephone Service Committee